IN WITNESS WHEREOF, we have hereunto signed our names at the City of Lake Charles, Louisiana, this 15th day of April, A. D. 1941.

IRA M. DALTON,
Jury Commissioner.
S. M. MAYO,
Deputy Clerk, U. S. District Court.
RENE FUSELIER,
Deputy United States Marshal.

[SEAL]

EXHIBIT J–3

Writ of Venire

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

FIFTH JUDICIAL CIRCUIT

THE PRESIDENT OF THE UNITED STATES OF AMERICA

U. S. District Court,
Western District of Louisiana.
Filed.
Apr. 16, 1941.
E. C. Jackson, Clerk.
M. E. H., Dy.

To the Marshal of the Western District of Louisiana—

GREETING:

YOU ARE HEREBY COMMANDED that you cause to come before the District Court of the United States for the Fifth Circuit and Western District

of Louisiana, in said Western District of Louisiana, on Monday, the 28 day of April, A. D. 1941, at 10 o'clock a. m., then and there to serve as Grand Jurors during the Special Term A. D. 1941, thereof, the following-named good and lawful men of the district:

* * * * *

And of your acts and doings herein that you make due return upon this writ, and hereof fail not at your peril.

WITNESS the Honorable CHARLES EVANS HUGHES, Chief Justice of the United States, at the City of Lake Charles, Louisiana, on this the 15th day of April, A. D. 1941, and of the Independence of the United States of America the one hundred and 65th year.

S. A. MAYO,
Deputy Clerk, U. S. District Court,
Fifth Circuit, Western District of Louisiana.

EXHIBIT J–4

U. S. District Court
Western District of Louisiana
Filed
Apr. 17, 1941
E. C. Jackson, Clerk

MARSHAL'S RETURN ON VENIRE

Marshal's Docket No. 17166.

Received this writ April 16, 1941, at Shreveport, Louisiana, and executed same as herein commanded April 16, A. D. 1941, by causing to be summoned to appear for service as Grand Jurors

for the Spc. April Term, A. D. 1941, of the United States District Court at Lake Charles, Louisiana, the following-named persons in the manner indicated: (P) Personal Service; (D) Domiciliary Service; (M) Service by mailing Form No. 58.

* * * * * *

LOUIS E. LEBLANC,
U. S. Marshal.
By JOSEPH W. KEENE,
Chief Deputy U. S. Marshal.

U. S. GOVERNMENT PRINTING OFFICE: 1943

(19)

Office - Supreme Court, U. S.
FILED
SEP 23 1942
CHARLES ELMORE CROPLEY
CLERK

No. 310

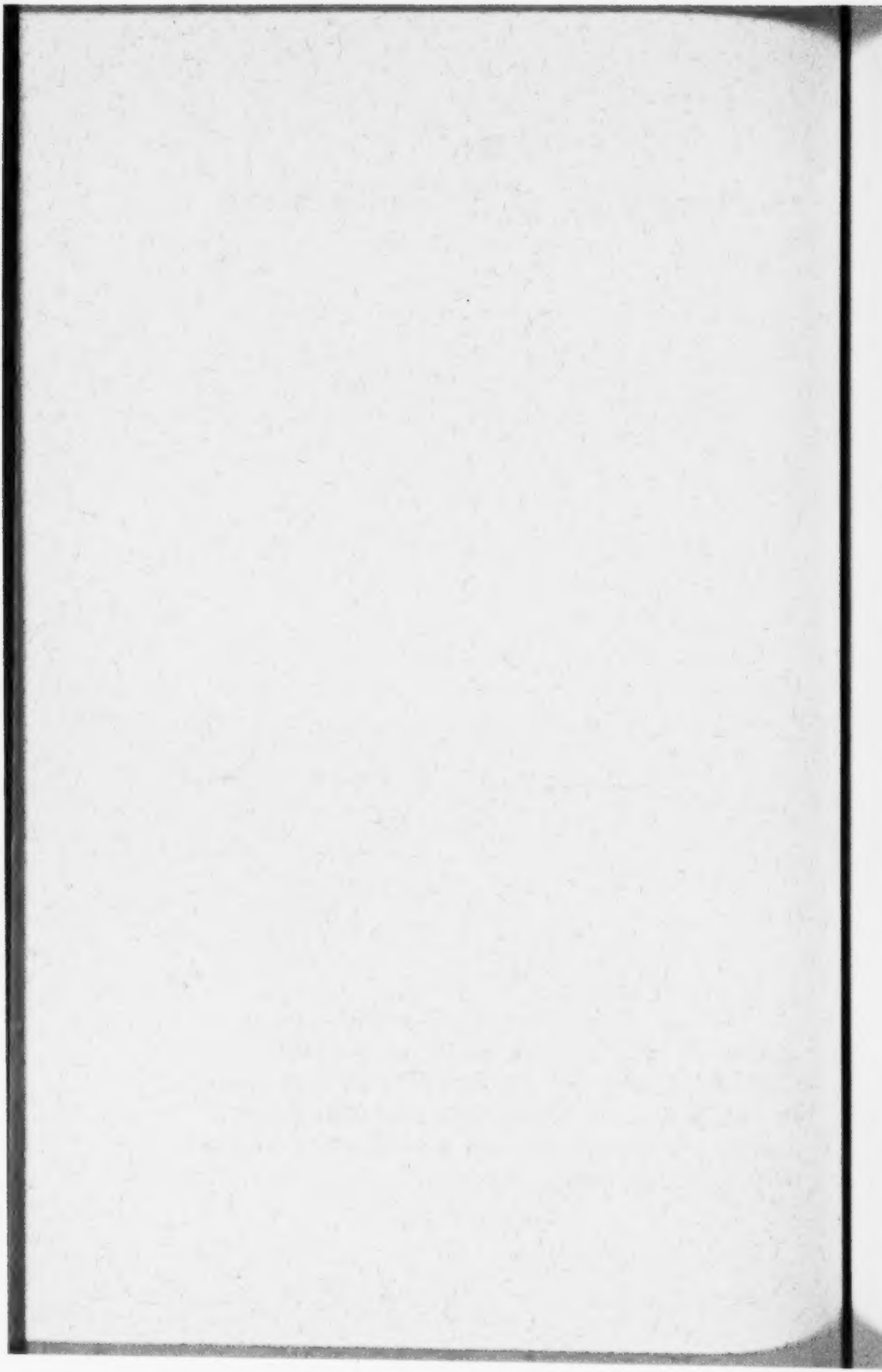
In the Supreme Court of the United States

OCTOBER TERM, 1942

JOHN LEN LACY, PETITIONER

vs.

UNITED STATES OF AMERICA



In the
Supreme Court of the United States

OCTOBER TERM, 1942

No. 310

JOHN LEN LACY, PETITIONER

vs.

UNITED STATES OF AMERICA

TO THE HONORABLE THE SUPREME COURT OF THE UNITED STATES

Now comes John Len Lacy, petitioner in the above numbered and entitled cause and moves and prays this Honorable Court to grant permission to file this reply brief to the brief of the United States in opposition to the petition for Writ of Certiorari hereinbefore filed.

FRANK J. LOONEY,
Attorney for Petitioner.

BRIEF

The brief of the United States is misleading in its citation of authorities, especially in the citation of UNITED STATES VS. PERLSTEIN, 39 Fed. Supp. 965, which case was reviewed by the Circuit Court of Appeals, and reference to same is made in the original brief of this appearer.

Attention is now called to the case of JONES VS. UNITED STATES, 162 Fed. 417, certiorari being denied therein in 212 United States 576. In this case the court held that:

> "A grand jury can be discharged only by direct order of the court, or by final adjournment of the court for the term for which the jury is empaneled." 421.

In the present case, as shown by brief of Government (page 5).

> "The grand juries were adjourned subject to call."

In UNITED STATES VS. PHILADELPHIA, ETC. RAILROAD, 227 Fed. 206, the court cited Judicial Code 285 (United States Code, Title 28, Section 422):

> "The District Courts may discharge, etc."

and followed this citation with the statement:

> "Until discharged by the court, the grand jury therefore continues to exist until the end of the term even though it does not continue in session."

In McDOWELL VS. UNITED STATES, 159 U. S. 596, 602, the court said:

> "The fact that in the recital of the proceedings the term is spoken of as a special term is immaterial in face of the statement that the regular term was opened on February 5th, and continued from day to day until after the proceedings complained of had taken place."

In the former brief petitioner shows that the statutory term of court for Lake Charles included the date on which the first grand jury was empaneled and the second grand jury which found the indictment was empaneled and the mere use of the words "special term" could in no wise change the law if the court should hold that grand juries could be empaneled in separate divisions of the district, even though the statute does not authorize such a course for the district itself.

It is respectfully submitted that the writ of certiorari should be granted.

Respectfully submitted,

FRANK J. LOONEY,
Attorney for Petitioner.

OF COUNSEL:
J. R. Goff
Ben F. Roberts